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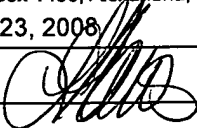
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

944-001.117

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on October 23, 2008Signature Typed or printed name Lissette Ramos

Application Number

10/673,059

Filed

September 26, 2003

First Named Inventor

Baggström, et al.

Art Unit

2617

Examiner

Julio R. Perez

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

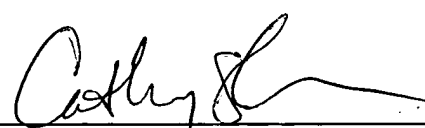
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

- ☐ attorney or agent of record.
Registration number _____

- ☒ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 60,869



Signature

Cathy A. Sturmer

Typed or printed name

(203) 261-1234

Telephone number

October 23, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Bagström et al. : Confirmation No.: 1237
Serial No.: 10/673,059 : Examiner: Julio R. Perez
Filed: September 26, 2003 : Art Unit: 2617
For: METHOD AND APPARATUS FOR ACHIEVING GOOD USABILITY FOR
NETWORKED APPLICATIONS IN MULTIMODE MOBILE TERMINALS

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This Request for Review is filed in response to the final Office Action of July 23, 2008.

The Office examined claims 1-3, 5-10, and 12-23. Claims 8-10, 12-15 and 19-23 are allowed, claims 5 and 17 are objected to, and claims 1-3, 5-7 and 16-18 are rejected. Applicant respectfully submits that the Office has committed clear error in rejecting claims 1-3, 5-7 and 16-18, because the Office has failed to show that the cited references meet all of the limitations recited in the claims, and failed to show proper motivation to combine the cited references.

This Pre-Appeal Brief Request for Review is submitted along with a Notice of Appeal.

CERTIFICATE OF MAILING

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Lissette Ramos

REMARKS

Overview of the Present Invention

As seen in Figures 1A and 1 B, the present invention is directed to a method for use by a communication device 10 (such as a mobile phone) that obtains information about one or more active connections for respective applications hosted by the device (such as a WAP browser 14a, a JAVA virtual machine application 14b, a multimedia subsystem application 14c, or a dial-up networking application 14d) to operate on one or more currently active cellular network systems (such as WCDMA 17a) and to determine if a new connection can be established on one of the currently active cellular network systems (e.g., WCDMA 17a) or on another cellular network system, (e.g., GSM 17b) to allow another application (such as a multimedia message application) to be hosted by the device, based on factors including information of the number and type of connections currently in use.

Claim Rejections under 35 USC §103

At sections 1-4 of the Office action, claims 1-3, 6-7, and 16 and 18 are rejected under 35 USC §103(a) as being unpatentable over WO99/30479 (hereinafter Alperrovich) in view of U.S. Pat App. Pub. No. 2004/0092265 (hereinafter Chitrapu) and US Pat. App. Pub. No. 2003/0026399 (hereinafter Carlson). Claim 1 is the only independent claim.

Specifically, the Office asserts that Alperrovich discloses a device for obtaining information about one currently active cellular network system to which the device has one active connection for respective connected applications hosted by the device and that it decides whether to allow establishing a new connection to one of the currently active cellular network systems on behalf of another application hosted by the device, but is silent on making such a decision based on factors, including the information about currently active network systems. Applicant respectfully disagrees since Alperrovich discloses a technique by which a mobile station (MS) 200 which has roamed outside of its home Public Land Mobile Network (PLMN) geographic area, often has a choice of PLMN's within a new geographic area 230, such as PLMN 240 and 250 shown in Figure 2. Alperrovich discloses obtaining charging information from these other PLMN's in order to determine which PLMN within this new geographic area is available to the subscriber and which has the best cost. On this basis, a selection of the PLMN with the lowest charging rate is made (see Figure 3).

Alperrovich is totally silent as to the requirement of claim 1 of deciding whether to allow establishing a new connection to one of the currently active cellular network systems (that is, in Alperrovich, its home PLMN) or to another cellular network system (PLMN 240 or PLMN 250). Rather, Alperrovich is only directed to determining which PLMN to switch to with regard to the current connection that the mobile station 200 has with its home PLMN. In fact, Alperrovich requires a handover to PLMN 240 or 250 since the MS is out of its home PLMN geographic area.

Furthermore, Alperrovich does not disclose information about currently active networks for determining whether a new connection to one of these currently active networks or to another cellular network system on behalf of another application hosted by the device can be made, including information about the currently active cellular network system. Rather, Alperrovich discloses a MS subscribed to one PLMN, which changes to a different PLMN due to roaming out of the area of the subscribed PLMN; *selection of the new PLMN is by virtue of the mobile station receiving messages from a broadcast channel, which provides information about the available PLMNs*. In Alperrovich, the information is rate (cost) information associated with different cellular systems. It is unlike another application hosted by a communication device based on factors including the information about the number and type of connections currently in use. Thus, in claim 1, even if a new connection is to “another cellular network system,” it is on behalf of “another application hosted by the device.” The rate (cost) of such “another cellular network system” is not “information about currently active cellular network systems,” including the number and type of connections currently in use.

The Office relies on Chitrapu for disclosing “information about combinations of different connections allowed by each currently active network system.” In contrast to claim 1, Chitrapu discloses the available networks to which a MS may switch connections, but does not disclose or suggest the features that are lacking in Alperrovich, as discussed above. Specifically, the recited actions as claimed require that the communication device have one or more *active* connections to *each* of the one or more currently active cellular network systems. Chitrapu fails to disclose or suggest this feature. At best, Chitrapu discloses, as shown in the flowchart of Figure 4, the handoff opportunity of an application from one network (such as GSM network 26 shown in Figure 3) to another network (such as WLAN network 28) depending upon whether this would

be beneficial based upon the nature of the application running and further whether all of the active devices can function with this new network and, if so, then performing the handoff.

Chitrapu does not disclose or suggest obtaining information about the currently active cellular network system, including the number and type of connections currently in use, for determining whether one of the currently active network systems or another cellular network system on behalf of another application hosted by the device can be established based on factors, including this information about the currently active cellular network systems. Thus, in Chitrapu, an examination is made to determine if all of the devices will function in the new enterprise network and further if there is a benefit, a handover to a new network is established.

The Office relies on Carlson for teaching that information of the number and type of connections currently in use is established by the fact that Carlson determines the number of carriers of the disclosed system. However, Carlson is not directed to a communication device where information is obtained about one or more currently active cellular network systems, but rather is directed to modems and, more specifically, to MEDLEY symbols in asynchronous digital subscriber line (ADSL) modems. As defined by Wikipedia, ADSL is “is a form of DSL, a data communications technology that enables faster data transmission over copper telephone lines. It does this by utilizing frequencies that are not used by a voice telephone call.” [Emphasis added]. Thus, Carlson is a form of *wired* communications, which is unlike the claimed invention which recites communication via cellular network systems, i.e. *wireless* communication.

In Carlson, the “carriers” referenced are frequency bands (tones) used to set up the ADSL communication (Carlson, para. [0044]). These carriers are clearly unlike the connections associated with currently active cellular network systems of the present invention. Such carriers and the determination of the number of carriers to use (Carlson, step 601 of Fig. 6) are unlike the active connections of currently active cellular network systems as set forth in claim 1 of the present application. Furthermore, Carlson only determines the number of carriers for an ADSL communication and does not determine anything about their type. Consequently, Carlson fails to disclose or suggest anything concerning the obtaining of information about the number and type of connections currently in use with regard to one or more currently active cellular network systems.

Hence, applicant respectfully submits that Carlson is directed to unrelated subject matter, and therefore cannot fairly be used as a prior art reference in combination with Alperrovich and Chitrapu under 35 USC §103. Furthermore, applicant respectfully submits that a person of ordinary skill in the art would not combine the teachings of Carlson with the teachings of Alperrovich and Chitrapu in order to arrive at the claimed invention since these references disclose entirely different modes of communication. Moreover, Carlson does not disclose or suggest the features lacking in Alperrovich and Chitrapu, including the number and type of the connections currently in use.

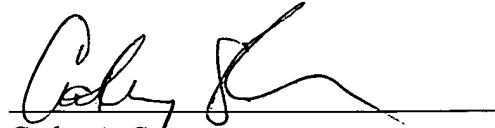
Consequently, Alperrovich, Chitrapu and Carlson, taken singly or in combination, fail to disclose or suggest all the features of the invention as recited in claim 1. Applicant respectfully requests that the rejection of claim 1 under 35 USC §103(a) be reconsidered and withdrawn.

Claims 2-3, 5-7 and 16-18 are directly or indirectly dependent from claim 1 and recite additional features not recited in claim 1. For at least the reasons provided above with regard to claim 1, Applicant respectfully requests that the rejection of claims 2-3, 5-7 and 16-18 under 35 USC §103(a) be reconsidered and withdrawn.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

Respectfully submitted,



Cathy A. Sturmer
Agent for the Applicants
Registration No. 60,869

10-23-08
Date

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468-0224

tel: (203) 261-1234
Cust. No.: 004955